

DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES
SENTENCING

FILED
DISTRICT COURT OF GUAM
OCT 31 2005

MARY L.M. MORAN
CLERK OF COURT

CASE NO. MJ-05-00017-002

DATE: October 31, 2005

HON. JOAQUIN V. E. MANIBUSAN, JR., Magistrate Judge
Court Recorder & Courtroom Deputy: Leilani Toves Hernandez
Hearing Electronically Recorded: 11:13:57 - 11:29:36

Law Clerk: Judith Hattori

CSO: L. Ogo

***** APPEARANCES *****

DEFT: JOHN A. B. ATOIGUE

ATTY: MARK SMITH

(X) PRESENT () CUSTODY () BOND (X) P.R.

(X) PRESENT () RETAINED () FPD (X) CJA APPOINTED

U.S. ATTORNEY: MARIVIC DAVID

AGENT:

U.S. PROBATION: STEVE GUILLIOT

U.S. MARSHAL: NONE PRESENT

(X) ATTORNEY FOR DEFENDANT ADDRESSES THE COURT:

Adopted the recommendation by the Probation Office, with the exception of the fine amount.

(X) DEFENDANT ADDRESSES THE COURT AND APOLOGIZES

(X) GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION:

Fine amount originally recommended has been reduced to \$100.00

() LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT

NOTES/OTHER MATTERS:

SENTENCE: MJ-05-00017

DEFENDANT: JOHN A.B. ATOIGUE

DEFENDANT IS SENTENCED TO PROBATION FOR A TERM OF TWO YEARS.

THE TERM OF PROBATION WILL INCLUDE THE FOLLOWING CONDITIONS:

1. DEFENDANT SHALL NOT COMMIT ANY FEDERAL, STATE, AND LOCAL CRIMES.
2. DEFENDANT SHALL NOT USE OR POSSESS ANY UNLAWFUL CONTROLLED SUBSTANCES. THE MANDATORY DRUG CONDITION FOR THE DEFENDANT IS SUSPENDED BASED ON THE COURT'S DETERMINATION THAT THE DEFENDANT POSES A LOW RISK OF SUBSTANCE ABUSE.
3. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF PROBATION AS SET FORTH BY THE U.S. SENTENCING COMMISSION.
4. DEFENDANT SHALL NOT POSSESS A FIREARM OR OTHER DANGEROUS WEAPON.
5. DEFENDANT SHALL SUBMIT TO THE COLLECTION OF A DNA SAMPLE AT THE DIRECTION OF THE U.S. PROBATION OFFICE.
6. DEFENDANT SHALL PERFORM 77 HOURS OF COMMUNITY SERVICE UNDER THE DIRECTION OF THE U.S. PROBATION OFFICE.
7. DEFENDANT SHALL NOT ENTER ANY MILITARY ESTABLISHMENTS FOR THE DURATION OF HIS PROBATION TERM, EXCEPT FOR WORK RELATED PURPOSES.

DEFENDANT WAS ORDERED TO PAY A FINE OF \$100.00, IMMEDIATELY, OR AS DIRECTED BY THE U.S. PROBATION OFFICE.

DEFENDANT WAS ALSO ORDERED TO PAY A \$10.00 SPECIAL ASSESSMENT FEE BY 3:00 P.M. ON THURSDAY, NOVEMBER 3, 2005.

COURT STATED THE JUSTIFICATION OF SENTENCE IMPOSED. DEFENDANT WAS ADVISED OF HIS APPEAL RIGHTS.

Courtroom Deputy: 